

AN ORDINANCE BY

MICHAEL J. BOND, *Clota Thomas Henry Dorsey*

01-0-0314
City Clerk
"Abie" Noble
Thomas

J. Miller
TO AMEND SECTIONS OF CHAPTER 30, ARTICLE XVII, "PARKING LOTS AND GARAGES" SO AS TO PROVIDE FOR THE REGULATION OF PARKING LOT SERVICES AND OPERATORS; TO PROVIDE FOR THE REGULATION OF PARKING LOTS THAT TOW OR BOOT VEHICLES ON THEIR PROPERTY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the parking lots within the city tow and/or immobilize ("boot") cars on their lots; and

WHEREAS, the City of Atlanta Police Department, Councilmembers and other City of Atlanta officials have received numerous complaints from citizens and visitors to the City of Atlanta about questionable business practices of parking lot owners and operators in the city; and

WHEREAS, these persons have complained of a lack of posted signs, and when a sign is visible, being charged a fee significantly higher than that which is stated on signs in the lots; and

WHEREAS, these persons have expressed that they felt the amount above the stated fee on signs in the lot was usurious, although the car owners often paid because they were told that they either pay or their car would be kept by the service where it would continue to accrue charges; and

WHEREAS, some encounters were contentious and confrontational that sometimes required police to be called to area lots; and

WHEREAS, the City of Atlanta Police Department, Councilmembers and other City of Atlanta officials have received also received complaints of parking lots where no signs are visible warning a car owner that a car will be towed and/or booted for parking in the lots without paying a fee; and

WHEREAS, the City of Atlanta, within its police power, can regulate these entities to prohibit practices that provide drivers with no notice or insufficient notice that parking in a lot will subject them to towing or immobilizing or parking lots where signs display costs that are deceptive or incorrect; and

WHEREAS, the City of Atlanta is empowered and charged with the responsibility to prohibit unfair or deceptive business practices and provide for a standard of conduct for parking lot owners/operators.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Tstewart/towing ordinance 2.19.01

Section 1:

That Chapter 30, Article XVII, Section 30-1198 which states:

Sec. 30-1198. Compliance required.

Compliance with this division shall be a precondition to any license issued by the city for the facilities regulated by this article. However, the enforcement of this article shall be the responsibility of the bureau of buildings.

be amended by deleting the section and substituting in lieu thereof the following:

Sec. 30-1198. Compliance required.

Compliance with this division shall be a precondition to any license issued by the city for the facilities regulated by this article. Except where specifically stated to the contrary, enforcement of this article shall be the responsibility of the bureau of buildings.

Section 2:

That Chapter 30, Article XVII, Section 30-1205 which states:

Sec. 30-1205. Notices.

All park-for-hire facilities shall post a notice at any entrance to the facility, which shall be reasonably visible to a customer in the driver's seat of a vehicle after the vehicle is at least partially on the parking facility premises and which notice shall set forth:

- (1) The telephone number of the principal office of the operator of the facility.
- (2) The business hours of operation of that lot, i.e., time of opening and closing.
- (3) The rates for any and all fees which shall be required of any parking patron for the use of the park-for-hire facility. Such notice must include the highest price which shall be charged for special events.

be deleted and substitute in lieu thereof the following a section entitled "Compliance Required; Signs." that shall read as follows:

Section 30-1205 Compliance Required; Signs

- (a) It shall be unlawful for a parking lot owner or operators to charge fees for parking in excess of those stated on signs on the parking lot property as required in this Article. Enforcement of this provision shall be the responsibility of the department of police.
- (b) During special events where prices are increased above the fee which is charged for daily or monthly parking, all park-for-hire facility shall have an attendant on duty to alert a car owner/operator of the change in the fee and under what circumstances a vehicle may be towed or immobilized. Enforcement of this provision shall be the responsibility of the department of police.

(c) All park-for-hire facilities shall post a sign at any entrance to the facility, which shall be reasonably visible to a customer in the driver's seat of a vehicle after the vehicle is at least partially on the parking facility premises. Where there is no designated entrance, such signs shall be erected so as to be clearly visible from each and every parking space.

- (1) Such signs shall be 7.5 square feet in area (2.5 feet by three feet). No abbreviations shall be used. The lettering on such signs shall be black on a white, reflective grade background, at least three inches high, and shall be illuminated if out of headlight range.
- (2) Such signs located at a designated entrance to a parking lot shall be at least four feet above the site grade. Where there is no designated entrance, such signs shall be six feet above the grade if vehicles are to be parked between the sign and the maneuvering area for the parking space.
- (3) Such signs shall state that "Unauthorized vehicles may be towed away at a maximum cost of _____ at the owner's expense to _____. If your vehicle is booted (immobilized) it may be towed after 24 hours."
- (4) Such signs shall also include the following information in letters at least 2 1/2 inches high:
 - (a) The business hours of operation of that lot, i.e., time of opening and closing, and information indicating the hours in which vehicles will be subject to booting or towing.
 - (b) Any and all fees which shall be required of any parking patron for the use of the park-for-hire facility. Such notice must include the price which shall be charged for parking during normal business hours and/or special events. Any change in fees for special events must be stated on the sign.
 - (c) Vehicles may be stored at a maximum cost of \$_____ per day for each day thereafter, all of which shall be paid by the owner.
 - (d) The address and phone number of the location to which such vehicles are towed.
 - (e) The telephone number of the principal office of the operator of the facility.
 - (f) Fee shall be payable by cash, check, and credit or debit card.
 - (g) No storage fee may be charged if the vehicle has been held less than 24 hours; Booted vehicles may be towed after 24 hours.
 - (h) These conditions are required by state law and city ordinances; and
 - (i) Complaints may be made to the police at 658-6620 and or the bureau of buildings at (000) 000-0000.

Section 3. That Chapter 30, Article XVII of the Atlanta City Code be amended so as to create a new Section 30-1208 entitled "Effective date of enforcement of Article" that shall read as follows:

Sec. 30-1208. Effective date of Enforcement of Article.

Persons that are subject to this ordinance shall have 90 days from the date that this ordinance becomes effective to comply with this ordinance.

Section 4. That Chapter 30, Article XVII of the Atlanta City Code be amended so as to create a new section Section 30-1209 entitled "Severability" that shall read as follows:

Sec. 30-1209. Severability

If any provision, clause, sentence or paragraph of this Code, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Article which can be given effect without the invalid provisions or application and, to this end, the provisions of this Code are hereby declared to be severable.

Section 5. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

(b) It shall be unlawful for either a vehicle immobilization service or an operator to immobilize vehicles at any off-street parking facility, vacant lot, or other private property without having a valid written contract specifically for such services entered into with the private property owner or lawful lessee thereof.

01-0-0314

(Do Not Write Above This Line)

AN ORDINANCE

Councilmember Michael J. Bond

An Ordinance to amend Sections of Chapter 30, Article XVII, "Parking Lots and Garages" so as to provide for the regulation of parking lot services and operators; to Provide for the regulation of parking lots that tow or boot vehicles on their property; to repeal conflicting ordinances; and for other purposes

First Reading

Committee _____

Date _____

Chair _____

Referred to _____

Committee _____

Date _____

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side)

Other: _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side)

Other: _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side)

Other: _____

Members _____

Committee _____

Date _____

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side)

Other: _____

Members _____

Members _____

Referred To: Transportation

Date Referred

2/19/01

Referred To:

Date Referred

Referred To:

FINAL COUNCIL ACTION

☐ 2nd☐ 1st & 2nd☐ 3rd

Readings

☐ Consent☐ V Vote☐ RC Vote

CERTIFIED

MAYOR'S ACTION